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SERVICE DATE - OCTOBER 26, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-471 (Sub-No. 4X)

SOUTH KANSAS AND OKLAHOMA RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN CRAWFORD, WILSON, ELK AND GREENWOOD
COUNTIES, KS AND OSAGE AND TULSA COUNTIES, OK

Decided: October 23, 2001

South Kansas and Oklahoma Railroad Company (SKO) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon: (1) a 35-mile line of railroad between milepost 153.0 near Tulsa and milepost 188.0 near Barnsdall, in Osage and Tulsa Counties, OK; (2) a 6-mile line of railroad between milepost 359.0 at Pittsburg and milepost 365.0 at Cherokee, in Crawford County, KS; and (3) a 23.5-mile line of railroad between milepost 438.5 at Severy and milepost 415.0 at Fredonia, in Wilson, Elk, and Greenwood Counties, KS. Notice of the exemption was served and published in the Federal Register on October 6, 2000 (65 FR 59891-92). On November 29, 2000, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for SKO to negotiate a trail use agreement with: (1) the City of Pittsburg for the 6-mile portion of the right-of-way between milepost 359.0 near Pittsburg and milepost 365.0 near Cherokee; and (2) the Trust for Public Land (TPL) for the 35-mile portion of the right-of-way between milepost 153.0 near Tulsa and milepost 188.0 near Barnsdall.¹

The negotiation period under the NITU was extended at the request of TPL to November 25, 2001, for the portion of the right-of-way between milepost 157.10 and milepost 188.0 in Tulsa and Osage Counties, OK, by decision served June 1, 2001. The June 1, 2001 decision also stated that, on March 15, 2001, TPL and SKO had consummated a trail use/rail banking agreement for the portion of the right-of-way between milepost 153.0 and 157.10. TPL further stated that, on the same date, it and the City of Tulsa (City) entered into an agreement with respect to that part of the line and that they would be filing a joint notice of transfer and a request for substitution pursuant to 49 CFR 1152.29(f). In a joint motion filed on September 25, 2001, TPL and the City requested substitution of the City as the new interim trail user and termination of TPL as the interim trail user for the portion of the right-of-way between milepost 153.05 and milepost 157.10, pursuant to 49 CFR 1152.29(f)(1). By decision served October 10, 2001, the proceeding was reopened and the NITU served November 29, 2000, was vacated as to

¹ The November 29 decision imposed a 180-day public use condition that expired on May 29, 2001.

the segment between milepost 153.05 and milepost 157.10, and the City was authorized to replace TPL as the new trail user over that portion of the right-of-way.²

On December 29, 2000, a NITU was served authorizing a 180-day period for SKO to negotiate a trail use agreement with the American Trails Association (ATA) for the 23.5-mile portion of the right-of-way between milepost 438.5 at Severy and milepost 415.0 at Fredonia. ATA subsequently reported, in January 2001, that it had reached a trail use agreement with SKO and had taken possession of the 23.5-mile portion of the right-of-way and had assumed responsibility for its maintenance. On October 15, 2001, ATA filed a letter observing that the October 10, 2001 decision had not indicated the status of this 23.5-mile line. Because neither the June 1, 2001 decision nor the October 10, 2001 decision had reported the rail banked status of this line, this decision is being issued to clarify that point.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

1. The status of the 23.5-mile line between milepost 438.5 at Severy and milepost 415.0 at Fredonia is clarified to reflect that a trail use/rail banking agreement has been reached as to it.
2. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² TPL indicated that it would continue to negotiate with SKO with respect to the portion of the right-of-way between milepost 157.10 and milepost 188.0.